

**Westport Commercial Seed Oystering Regulations  
Town of Westport, Connecticut**

I. Authority

- A. These regulations are enacted under the authority of the Westport Shellfish Commission, which was established by the Board of Selectmen, in conformance with the Board's Resolution of October 3, 1983, pursuant to C.G.S. §26-257(a).
- B. Said Shellfish Commission has charge of all the shellfish grounds lying within the established jurisdictional boundaries for the Town of Westport which are not granted to others and not under the jurisdiction of the Commissioner of Agriculture, including all rivers, inland waters and flats adjacent to all beaches and waters within the limits and tidal demarcations of the Town of Westport.
- C. Said Shellfish Commission may issue licenses for the taking of shellfish from navigable waters within its jurisdiction and fix the fee therefore, may designate the quantities of such shellfish to be taken, the sizes of such shellfish, and the methods of taking.
- D. Said Shellfish Commission may prohibit the taking of shellfish from certain designated areas for periods not in excess of one (1) year.
- E. During the month of January of each calendar year, the Shellfish Commission shall publish, in a newspaper having general circulation in the Town of Westport, a notice describing the boundaries of the grounds regulated by this ordinance; and annually, shall further describe the boundaries of such grounds by posting notices signed by the Chairman of the Shellfish Commission, or the acting Chairman in the Chairman's absence, upon the shore adjacent to such grounds.

II. Purpose

These regulations are hereby adopted by the Shellfish Commission of the Town of Westport for the purpose of protecting and propagating oysters in order to restore and prevent the serious depletion of this natural resource.

III. Jurisdiction

- A. These regulations govern that area in Westport, Connecticut established by the jurisdictional boundaries shown on the Map entitled Oyster Grounds: Darien, Norwalk, Westport: Connecticut Department of Agriculture, Aquaculture Division, dated February 17, 1983 and does not include those oyster beds leased by the State to commercial oysterers, as also depicted on said map.
- B. Description of Natural Oyster, Clam and Mussel Beds in Town Jurisdiction, as defined by decrees of the Superior Court (See Section 2326, General Statutes 1888) and town Special Act 1913, Page 993: "No oyster grounds within the meridian boundaries of the Town of Westport, northerly of the state jurisdiction line, shall be deemed to be a natural bed unless included in one of the following described tracts: Tract No. 1, a natural oyster and clam bed comprising all areas of ground in the waters of Saugatuck River and harbor within lines drawn as follows: Commencing at the signal of the United States Coast and Geodetic survey know as canal, in latitude 41° 03' 58.83" and longitude 78° 22' 26.19",

and from said signal running northeasterly in line with the north end of Kits Island to high water mark on the easterly shore of Saugatuck River; thence following high water mark northerly along the east shore of Saugatuck River to the head of tide water in said river; and thence southerly along high water mark along the west shore of said river to the place of beginning. Said oyster and clam bed is Marked "A" on a map entitled Map of Oyster Grounds in the Town of Westport on file in the office of the Shellfish Commission. Tract No. 2, a certain natural oyster and clam bed marked "B" on said map, comprising all areas of ground within the following lines and bounds: Commencing at the northeasterly corner of lot No. 301W, at Cedar Point, as shown on the maps of the Shellfish Commission, and running thence northeasterly to the westerly corner of No. 426-W; thence northeasterly to the northerly corner of lot No. 429-W; thence easterly to the westerly corner of lot No. 429-W; thence northeasterly to the northerly corner of lot No. 429-W; thence northerly to the northwesterly corner of lot No. 401-W; thence northerly to the westerly corner of lot No. 408-W; thence northeasterly to the northerly corner of said lot No. 408-W; thence southeasterly to the easterly corner of said lot No. 408-W; thence southerly to the northwesterly corner of lot No. 409-W; thence southeasterly along the northerly line of Nos. 409-W, 410-W, and 411-W, and the extension of said last above described line to high water mark near Sherwood's Point; thence northwesterly along Sherwood's Point to the tide mill dam; thence westerly along said dam; thence southerly and westerly along and around Hill's Point to the place of beginning at Cedar Point. The oyster lots referred to are shown on the maps of the Shellfish Commission accompanying the report of the Shellfish Commission for 1912. Tract No. 3, a natural oyster and clam bed marked "C" on said map, and comprising of all areas of ground inside and north of the state commissioner's line between Sherwood's Point on the west and Farms Point on the east, said state commissioner's line being a line drawn from the most southerly point of Sherwood's Point, at high water mark, to the most southerly point of Farms Point, at high water mark. Tract No. 4, a natural oyster and clam bed, marked "D" on said map and comprising all areas of ground inside and north of the state commissioners' line, between Farms Point on the west and the town line between Westport and Fairfield on the east. Said bed is bounded as follows: Beginning at a bound erected at high water mark on Farms Point; thence running easterly along said state commissioners' line, which line is drawn from Farms Point to Pine Creek Point, to the Town line between Westport and Fairfield; thence following said meridian line to the center of Sasco Creek bridge; thence southerly and westerly along high water mark to the point of beginning.

- C. These regulations shall regulate all varieties of oysters (*Crassostrea virginica*), herein referred to as "oysters".

#### IV. Closure of Shellfishing Areas

- A. The Shellfish Commission of the Town of Westport may from time to time, as they deem expedient, prohibit the taking of oysters from such portions of the shellfish areas or natural clam beds of said Town as they from time to time designate, for a period not exceeding one (1) year at a time.
- B. Whenever said Shellfish Commission designates any places within the jurisdictional boundaries from which the taking of shellfish is to be prohibited as

aforsaid, they shall publish at least twice in some newspaper having a circulation in the Town of Westport, a notice giving the dates during which such taking is prohibited and describing the grounds upon which such prohibition is to be operative, and shall further describe the boundaries of such grounds by posting notices, signed by the Chairman of the Shellfish Commission, or the acting Chairman in the Chairman's absence, upon the shore adjacent to such grounds. The two (2) newspaper publications shall not be more than fifteen (15) days nor less than five (5) days prior to the commencement date of such prohibition.

- C. Shellfish areas, including those classified as conditionally open may be closed from time to time by the Department of Agriculture, Aquaculture Division, for the protection of the public health.
- D. No person shall take any oysters from any grounds from which the taking of same has been prohibited, during the time of said prohibition.

V. Daily Possession Limit and Hours

- A. The Shellfish Commission of the Town of Westport shall, by regulation, establish the maximum amount of oysters which may be taken.
- B. The daily harvest and possession limit is 50 bushels of culled oysters per permitted boat per day.
- C. Shellfishing is permitted between sunrise and sunset, only. Pursuant to C.G.S. § 26-228, shells or shellfish shall not be taken from any place in the jurisdictional boundaries of the Town of Westport between sunset and sunrise.

VI. Commercial Oystering Permits

- A. Pursuant to C.G.S. § 26-212, no person shall take or gather for commercial purposes oysters from any natural shellfish bed in the state in any boat or vessel unless it is licensed and numbered in the manner provided for by that section.
- B. Pursuant to C.G.S. § 26-213, no person shall take or gather for commercial purposes oysters from any natural shellfish bed in the state and no person shall be permitted upon any boat, licensed pursuant to the provisions of C.G.S. § 26-212, while the boat is being used for such taking or gathering until the person has been licensed in the manner provided for by C.G.S. § 26-213.
- C. Any person engaging in the harvesting of oysters from the areas governed by these regulations shall first obtain the following licenses and permits, and shall not engage in the harvesting of oysters unless such licenses and permits are in effect:
  - 1. Town of Westport Shellfish Commission Commercial Seed Oystering Permit, with required attachments including copies of current Connecticut Driver's License, State of Connecticut Department of Agriculture Division Boat License, Boat Registration, and Personal License for Seed Oystering.
  - 2. State of Connecticut Department of Agriculture, Aquaculture Division Seed Oysters Harvesting License.
  - 3. State of Connecticut Department of Agriculture, Aquaculture Division Shellstock Shipper License, or State of Connecticut Department of Agriculture, Aquaculture Division Permit to Transplant.

4. State of Connecticut Department of Agriculture, Aquaculture Division,  
Helper's License.

- D. The fee for an annual commercial oystering permit shall be \$200.00 per vessel.
- E. Prior to the first trip of the season, boat must be presented to the Marine Police at the Marine Police Dock for Inspection. Afterwards, before starting each trip, Captains are required to contact the Marine Police and the Shellfish Commission or its designee in writing.
- F. At the end of each day, the Captains are required to contact the Marine Police and the Shellfish Commission or designee in writing noting they are finished for the day and reporting their catch totals.
- G. All permit holders are subject to on-site inspection by licensing authorities or their agents, and must maintain on-board copies of all local and state permits and supporting paperwork.

VII. Prohibitions on Harvesting

- A. Pursuant to C.G.S. § 26-252, no rake, tongs, dredge, or other device with spaces or openings between the teeth or prongs of less than one (1) inch shall be used for taking any variety of shellfish within the jurisdictional boundaries of the Town of Westport.
- B. No person shall use any naphtha, vapor steam or electric engine, or any device operated other than by hand power, for hoisting or operating dredges or other implements for gathering shellfish.
- C. Permittee shall use only any dredge or other contrivance weighing not more than thirty (30) pounds, exclusive of the net or bat, or with a capacity of more than one and one-half (1-1/2) bushels in taking up or dredging for shellfish within the jurisdictional boundaries of the Town except upon private designated grounds.
- D. Commercial seed oyster harvesting shall only be conducted from a permitted boat. There shall be no hand-picked harvesting of the seed oyster from any shellfish grounds within the jurisdictional boundaries of the Town.
- E. No person shall take any shellfish from any areas from which the harvesting of same has been prohibited pursuant to Article IV herein, during the time of said prohibition.
- F. When taking seed oysters from areas classified as Prohibited, the seed oyster must be submarket size 2.0 inches or smaller.
- G. When taking seed oysters from areas classified as Conditionally Restricted in the "closed" status, the seed oyster must be submarket size 2.0 inches or smaller.
- H. Shellfish shall not be taken for consumption, bait, or any other use from closed shellfish areas, including those areas classified by the Department of Agriculture, Aquaculture Division, as 'Prohibited, Restricted, Conditionally Restricted and Conditionally Approved' when the status is designated "closed".
- I. Shellfish that are not permitted for harvest by these regulations, including hard-shell clams, soft-shell clams, mussels, and oysters not classified as seed oysters, and all shell shall be immediately returned to the beds from which they were harvested.
- J. Commercial oyster harvesting is prohibited in areas designated as exclusive recreation clam harvesting areas for the purposes of CGS § 26-235 of the Connecticut General Statutes.

VIII. Enforcement and Penalties

- A. The Westport Police Department is authorized to enforce these regulations.
- B. The Westport Shellfish Commission may appoint a Shellfish Warden, Deputy Wardens, and other enforcement agents as the Commission shall deem appropriate to secure compliance with provisions of these regulations. The term of any appointment shall be in the discretion of the Commission, but in no event shall such appointment exceed one (1) year.
- C. The Westport Police, or other enforcement agents, may confiscate the commercial seed oystering permit or license of any person who violates any provision of these regulations, the Connecticut General Statutes, or other regulations governing state and local shellfish.
- D. Any person who violates any provision of these Regulations shall be fined \$250.
- E. Violations of any provision of these regulations may result in arrest, confiscation of property, criminal prosecution and/or suspension of oystering permits and loss of the permittee's rights to harvest in Westport.

This is to certify that these commercial oystering regulations were adopted at the September 12, 1995 meeting of the Shellfish Commission, Town of Westport, Connecticut. These regulations were amended May 15, 2017 and were adopted on August 2, 2017.

Effective Date: September 1, 2017.

Clarinda Higgins  
Chairman

Westport Commercial Oystering Regulations 9.1.17